



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

Felice FRAGOLA

Atty. Ref.: 2865-360; Confirmation No. 7019

Appl. No. 09/937,709

Group: 3727

Filed: October 1, 2001

Examiner: Lien M. NGO

For: CLOSURE FOR CONTAINERS, IN PARTICULAR PLUG FOR BOTTLES

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Date: September 4, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

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In response to the Office Action, dated August 5, 2003, relating to the above-identified application.

The Examiner has required restriction to one of the following species of the generic invention:

- Species I; Fig. 1; (Claims 19-23)
- Species II, Fig. 4; (Claims 24-28)
- Species III, Fig. 6; (Claim 29)
- Species IV, Fig. 7; (Claim 30)
- Species V, Fig. 8; (Claim 31)
- Species VI, Fig. 9; (Claim 32)
- Species VII, Fig. 10; (Claim 33)
- Species VIII, Fig. 11; (Claim 34)
- Species IX; Fig. 12; (Claim 35)
- Species X, Figs. 14-15; (Claim 36)
- Species XI, Fig. 18; (Claim 37)
- Species XII, Figs. 19-20; (Claims 38-39)

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It is requested that the Examiner reconsider and withdraw this restriction requirement for the reason that the above-listed species possess unity of invention in that they are linked to form a single general inventive concept, namely, the features of independent claim 1 – "an upper and lower support and sealing element operatively joined together in order to support said covering body in a longitudinal direction". Accordingly, all of these species should be examined in the present application.

In the event the Examiner persists in this restriction requirement, Applicant elects Species XI (Fig. 18) for examination in the present application. Claim 37 reads on the elected species.

It is noted that claims 1-18 and 40-46 are generic and that, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

Prompt examination of the claims in this application on their merits is earnestly solicited.

Respectfully submitted,

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